North Central Regional Transit District
Board Meeting
Friday, February 1, 2013

CALL TO ORDER:

A regular meeting of the North Central Regional Transit District Board was called to order on the above date by Commissioner Daniel Barrone, Chair, at 9:15 a.m. at the Jim West Transit Center, 1327 Riverside Drive, Española, New Mexico.

1. **Pledge of Allegiance**

2. **Moment of Silence**

3. **Roll Call**

Roll call indicated the presence of a quorum as follows:

Members Present:	**Elected Members**	**Alternate Designees**
Los Alamos County		*Mr. Philo Shelton III*
Rio Arriba County		
Taos County	*Commissioner Daniel Barrone*	
Santa Fé County	*Commissioner Robert Anaya*	*Commissioner Danny Mayfield*
Pojoaque Pueblo		*Mr. Tim Vigil*
Ohkay Owingeh		
San Ildefonso Pueblo		
Santa Clara Pueblo		*Ms. Mary Lou Valério*
Tesuque Pueblo	*Gov. Charles Dorame*	*Ms. Sandra Maez*
City of Santa Fé	*Councilor Patti Bushee [T]*	*Mr. Jon Bulthuis*

City of Española		
Town of Edgewood	*Councilor Chuck Ring*	
Rio Metro (ex officio)		

Staff Members Present
Mr. Anthony J. Mortillaro, Executive Director
Ms. Glenda Aragon, Financial Manager
Mr. Mike Kelly, Transit Operations Manager
Mr. Pat López, Financial Analyst
Mr. Jim Nagle, Public Information Officer
Mr. Gus Martínez, Fleet Manager
Ms. Stacey McGuire, Projects and Grants Specialist

Others Present
Mr. Peter Dwyer, Legal Counsel
Mr. Carl Boaz, Stenographer

4. INTRODUCTIONS

All present introduced themselves to the Board.

5. APPROVAL OF AGENDA

Gov. Dorame moved to approve the agenda as presented. Councilor Ring seconded the motion and it passed by unanimous voice vote.

6. APPROVAL OF MINUTES

- **Minutes of Regular Meeting on January 4, 2013**

Gov. Dorame moved to approve the minutes of January 4, 2013 as presented. Ms. Valério seconded the motion and it passed by unanimous voice vote.

7. PUBLIC COMMENTS

Mr. Mortillaro introduced Ms. Stacey McGuire as the new Service Development Projects and Grants Specialist. She spent four years at Minneapolis Transit before coming to New Mexico. The Board welcomed her as a new staff member.

Gov. Dorame announced that Ms. Sandra Maez would be the Tesuque Pueblo alternate. Today he had to leave at 10:00 and Ms. Maez would take his seat at that time.

There were no public comments.

PRESENTATIONS

There were no presentations.

ACTION ITEMS FOR DISCUSSION/APPROVAL:

A. Presentation and Acceptance of the FY 2012 Comprehensive Annual Financial Report

Mr. Mortillaro asked that this item be delayed until the presenters arrived

Ms. Valério moved to table this item. Gov. Dorame seconded the motion and it passed by unanimous voice vote.

B. Reconsideration and Adoption of Resolution No. 2012-29 Creating General Policy and Priorities for Use of the Jim West Regional Transit Center

Mr. Mortillaro reminded the Board this was discussed in December and the Board asked staff to look at insurance requirements. Mr. Kelly would present the results.

Mr. Kelly said the policy for using the facility would give first priority to Board members and committees as well as state and local government entities. Legal Counsel researched insurance requirements and if a group was not covered by the Municipal League Self Insurance Fund they must name NCRTD as additional insured. After business hours would have an extra fee. Use was limited to government entities.

Mr. Mortillaro referred to page 18 where the insurance requirement was added to the policy.

Mr. Dwyer said if they had a private entity in the facility they would have to provide a special events policy which they could purchase on-line for $60-70.

Councilor Ring moved to approve Resolution 2012-29 as presented. Mr. Vigil seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Santa Fé County, Taos County and Tesuque Pueblo voting in favor and none voting against.

C. Discussion and Direction regarding the cost Analysis of External Fleet Maintenance vs. Internal

Fleet Maintenance

Mr. Mortillaro said this analysis was reviewed by the Finance Committee last Friday and they had a recommendation to make later.

Mr. Kelly said page 23 showed the breakout sheet of the analysis. They looked at the existing budget for maintenance of vehicles. The upper left corner of page 23 showed $194,000 per year on contract and $140,000 on vehicular maintenance. For a mechanic and a service worker for one year and with a 5-year escalated at 3%/year. He explained the difference between a mechanic who was an experienced certified mechanic and a service worker, who was a basic mechanic with limited certification to assist.

For the first year the mechanic would receive $18 per hour and the service worker $14 per hour with benefits at 35% would bring the actual cost of the mechanic to $24.30 per hour or $50,500 annually and the service worker to $18.90 per hour for an annual total of $39,000. He shared the escalated 5-year totals. So the total costs for the first year were $89,856 and five years later would be $101,000.

In the next table he broke out what they were paying for the contract ($144,000) and compared it with internal labor and it would be about 52% of what the contract cost. He identified other considerations and concluded that considerable savings could be achieved with internal maintenance of vehicles in a conservative estimate.

He pointed out that other benefits would include direct oversight on maintenance and quality control, budget savings on parts and reduced shuttles, reduced taxes and reduced down time. All staff were certified by USDOT on drug screens. As a rural RTD that was not a requirement for outside contractors. So it would close a loop in liability.

Mr. Mortillaro explained the reason they were talking about this at this time was the District in its plan for the site had planned for a fleet maintenance facility in back area of the property. Several years ago the RTD got a 5304 grant for over $30,000 that had to be matched so they had about $64,000 in an account for the purpose of doing a conceptual design for the maintenance facility. They renewed the grant twice so they needed to bring it to the Board so we can determine whether to proceed with fleet maintenance internally and get authorization for design or not. They still didn't have the funding for the facility construction so it could be another 2-3 years. This did go to the Finance Committee and perhaps the chair could speak to it.

Commissioner Anaya thought the hourly rates and capacity and skill level required in the analysis was way underestimated. Also if the RTD used an outside firm who didn't perform it was easy to go to another firm. So he would like more information. If it was on regular cars he thought the costs would be low.

Chair Barrone asked Mr. Kelly to address that comment.

Mr. Kelly said those were beginning levels in certain classifications in other agencies. The RTD had to start at the lowest class. Someone with experience might start at the five year level.

Mr. Mortillaro said staff got those estimates from other jurisdictions.

Mr. Kelly agreed. He looked at Santa Fé City classifications.

Commissioner Anaya thought if the Board decided to go that direction, having a mechanic and then supervisor who was managing the shop. They would want someone who not only knew how to deal with the vehicle but also the management and operation of the shop. Maybe they should compare costs with a private shop. It was far better to find the expertise and pay appropriate wages than for a government worker to do it.

Mr. Kelly said the District did have a fleet manager with many years of experience to give direction and oversight. So that portion was covered.

Mr. Vigil said the Finance Committee met last week and had lots of discussion. This was strictly for conceptual design. He thought they could lose the federal funding if they didn't act soon. For design, Finance thought it prudent to move on it.

Mr. Mortillaro said the feds would like the RTD to either use it or return it. In 2009, the architects involved in design of the facility did a line drawing concept of a building and cost estimate but he was not comfortable with their work.

Mr. Mortillaro said if the Board wanted to proceed on design, they could have another review of it going forward. Once they got the final design and updated costs staff could bring it back for a final design to go forward or not.

Commissioner Anaya thought this was a benefit for the RTD to have such a facility. The building structure was different. They might find that it would make sense to have a facility and maybe not staff it with our staff. But to say we would automatically staff it, he was not there.

Councilor Ring asked if the RTD had one vendor for fuel now. He asked if it wouldn't be wise to have a fuel depot here with this building.

Mr. Mortillaro said they had in the FY 13 capital budget an amount to develop a fuel depot here because currently they used the state's card system. They could fuel at any station at retail rates. He believed a depot would save money but would still use the cards for outlying areas. That would be revisited later in the midyear budget review.

Mr. Bulthuis concurred with Commissioner Anaya's comments. It would take years for it to become brick and mortar and a definite advantage to have that down the road as the organization matures. His recommendation would be to move forward with the design to have that option down the road.

Mr. Shelton said they would need geo-technical work and that would add 20-30% to this estimate.

Commissioner Anaya asked if the RTD ever approached Santa Fé County for purchase of fuel. You could probably use the county facility in Santa Fé.

Mr. Mortillaro said they would look at that once they got the fuel depot.

Commissioner Anaya asked his assistant to pass that along to the County Public Works Director.

Mr. Mortillaro recommended a motion from the Board to direct the staff to commence the initial design, environmental assessment and geo-technical assessment at this time as another step.

Mr. Vigil moved to direct the staff to commence the initial design, including environmental and geo-technical assessments. Commissioner Anaya seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Santa Fé County, Taos County and Tesuque Pueblo voting in favor and none voting against.

Gov. Dorame was excused from the meeting at 9:58 and Ms. Maez represented Tesuque Pueblo.

Mr. Bulthuis noted that Councilor Bushee departed the meeting until Item J.

D. Discussion and Direction regarding the Mid-Year FY 13 Budget Update

Mr. Mortillaro said they were approximately at mid-year so they would update the Board.

Ms. Aragon and Mr. López presented the review.

Ms. Aragon said the RTD was anticipating a reduction in GRT revenue and offsetting expenditures and capital projects. Financial conditions were summarized on pages 36 and 37 with revisions.

As of December 31 and projections through June 30 expected a $218,000 deficit with the majority from GRT. On page 39 was the total. Much of the GRT reduction was due to LANL requesting refunding from Los Alamos County. So they changed the total as a result of the $65,000 refund from RTD. The reduction projection for the following months was about 20%. Rio Arriba projections were about a 3% reduction with a slight increase in Santa Fé County revenue of 6.5% which was shared 50/50 with the Rail Runner. Overall, on page 39, bottom right corner showed the projection of $262,000 loss.

Mr. Mortillaro said although a $262,000 deficit was projected, it was really greater because the RTD had to send half of the additional revenue from Santa Fé NCRTD GRT to the Rail Runner so the deficit was actually $392,000.

Ms. Aragon said to deal with the reduced revenue the RTD was monitoring expenses to the end of the year and looking at savings through cuts to offset the GRT losses. Savings were in departments: (page 41) - $268,000 in administrative, $240,000 in operations and would honor their contract with Rio Metro as well as $213,000 in capital savings for a total of about $384,000.

They would freeze all capital projects that did not have a federal match and review them toward end of

the FY. They included HVAC, fueling facility, etc.

Overall the plan of action was to decrease projected expenses to offset the decrease projections of revenue.

Mr. Mortillaro said the summary on page 41 showed the administrative and operation savings as enough to offset the GRT losses. By holding back on capital projects would insure a contingency to deal with unanticipated further cuts and avoid having to touch the reserves.

Commissioner Anaya asked why they factored in the money that goes to Rio Metro.

Mr. Mortillaro said the RTD had to account for it as an expenditure because of the intergovernmental agreement for 50% of Santa Fé GRT. They had agreements as well with Los Alamos and City of Santa Fé to provide transit services.

Mr. Mortillaro said they made a projection and it was good that the economy in Santa Fé was doing better so they had that additional expense.

Chair Barrone asked staff to explain how Los Alamos revenue worked.

Mr. López said the District received approximately $1.8 million per year from Los Alamos GRT. The biggest employer was the lab which accounted for 90% of the GRT. So when LANL didn't spend the money the RTD didn't get the GRT. The budget was $336,000 but only got $263,000. In October - LANL took a credit from overpayment of GRT from previous years. Los Alamos County had to repay $3.5 million and the RTD owed $65,000 of that. The impact was $180,000.

Mr. Mortillaro added that often there were paybacks in GRT at times but here it was a $2 billion industry and when a credit was taken it was huge. And the problem was that it was from past years. It throws off the trend projections.

Mr. Shelton said it had impacted their county budget tremendously. It was not only the refund but spending at the lab had significantly dropped. The fiscal cliff had been pushed out to May and they might not make it. There was a lot of uncertainty being faced in Los Alamos as a consequence.

Mr. Mortillaro said the RTD is fortunate in that our tax base was from 4 counties so we have a little diversity. The growth in Santa Fé County had helped but not enough.

Commissioner Anaya asked if the District could ask LANL if they could help offset that loss given that we help with transit to get their employees to work. .

Mr. Mortillaro said they had not thought about that, but we could send a letter to share the impact on our budget. But he knew that Los Alamos County had regular discussions with the Lab and it didn't have much effect. He didn't know if things had changed since he left Los Alamos government.

Commissioner Anaya asked that it be formalized to make such a request.

Mr. Shelton commented that the Lab was a private entity relying on federal funding and it would be more helpful to let the congressional delegation know rather than telling a private entity their impact. They experience the impact too in laying off staff members.

Councilor Ring moved to approve sending the letter as described and contact the congressional delegation to ask for their help. Mr. Vigil seconded the motion.

Chair Barrone said there would be a meeting in early March in Washington DC and maybe we could address it at that time.

The motion passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Santa Fé County, Taos County and Tesuque Pueblo voting in favor and none voting against.

A. Review and Acceptance of the Fiscal Year 2012 Comprehensive Audit

The auditor was ready to present the audit report.

Mr. Vigil moved to remove this item from the table for consideration. Councilor Ring seconded the motion and it passed by unanimous voice vote.

Mr. Vener presented the results of the 2012 audit to the Board.

Mr. Mortillaro said it was presented in the exit conference with the Finance Committee and sent to the State Auditor in December on time.

Mr. Vener indicated four of five prior years findings were resolved. There were four current findings and the one repeated from prior year findings. The good news was that the RTD resolved the findings for the debit card, per diem policy, cell phone policy and missing signatures on disbursements. The controls over GL and Audit Report needed adjustment. Current findings were controls over bank accounts; controls over disbursements; capital asset listing and identification of federal expenditures. There was a brief undercollateralization in February 2012.

Mr. Vener thanked the staff for their work in helping the auditors with their work.

Mr. Bulthuis noticed the MD & A was not included in the audit and asked if that would be included in the future.

Mr. Vener said it was just a matter of timing to get the audit in on time. It was really good to have it done and staff wanted to include it. If management and Finance Committee had the time now, they could include it starting now. For 2012 it would be prepared and then the District could compare it with 2013.

Mr. Bulthuis understood in the findings that several items were due to staff changes at close out. He

thought current staff had the obligation to not let that drop going forward.

Mr. Vener agreed. The outgoing finance manager left right when the audit started but he thought the organization handled that well.

Mr. Mortillaro was confident that without those changes they would have done much better. The goal was to have no findings.

Mr. Bulthuis commended staff and RTD for the strides made over the years. There were much worse audits in the past and good indications of where it was going. Chair Barrone agreed.

Councilor Ring moved to accept the audit as presented. Ms. Valério seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Santa Fé County, Taos County and Tesuque Pueblo voting in favor and none voting against.

Commissioner Anaya said his vote reflected the work of the prior county commission representative.

E. Discussion and Possible Award of Fleet Procurement Bid

Mr. Mortillaro noted in board report that highlighted items were different than the electronic version because they had not opened the bids at the time it was sent.

Mr. Kelly described piggybacking in bids when other entities in the state had bids to consider. Here the RTD prepared the bid on its own specifications. Gus Martínez spent a good part of last spring and summer preparing this bid and published it in December. They had a pre-bid meeting with five vendors attending. Four bidders replied with six potential products. The evaluation considered pricing, delivery time and warranties proposed. National Bus Sales received best scores on original and alternative products.

The District was awarded a "state of good repair grant" of $350,000 last year so the proposal was to buy two of item 1, one of item 2 and one of item 3 with an award to National Bus Sales for the four vehicles. The total would exceed the $350,000 at $378,530 but that could be offset from the sale of retired buses this year ($41,400). He asked to bring that to the budget for the purchase.

Mr. Mortillaro explained this was the first time the RTD prepared its own bids. Last year we purchased from Houston-Galveston contract.

Mr. Martínez said with this award they would get a turn-key bus with decals and everything and it was $797 cheaper that the Houston Galveston price for the very same Item 1 bus. Also, with this contract others could piggyback off of it on item 1.

Chair Barrone added that it was compliant with procurement policy.

Mr. Dwyer agreed it did not appear to violate procurement law. The RTD was now more sophisticated

in procurements.

Mr. Mortillaro said Ms. Aragon was now the procurement agent under the new procurement policies the Board approved 5-6 months ago.

Ms. Aragon reported they followed exactly the procurement guidelines and met the percentages and determined how the committee was set up for the evaluation of bids.

Mr. Mortillaro said no protests had been received.

Councilor Ring asked what increases in cost were being seen. Mr. Martínez said it was 4-5%.

Commissioner Anaya appreciated staff work. He asked Mr. Mortillaro if he had any involvement with the bids. Mr. Mortillaro said he didn't.

Commissioner Anaya asked if he had any involvement with the grant.

Mr. Mortillaro said staff did the application and he signed it. He could have involvement in reviewing any protests but none had been received. The policy was that protesters could come to the Board if they were not satisfied with resolution of their protest.

Commissioner Anaya concluded we followed NMDOT requirements. Ms. Aragon agreed.

Commissioner Anaya suggested the last bus not be purchased until the budget was adjusted.

Commissioner Anaya moved approval with the condition that the last bus not be purchased until the budget adjustment was approved by the Board. Councilor Ring seconded the motion.

Mr. Bulthuis agreed with Mr. Dwyer that the District was now at a place to do its own procurements but could still use the other ways. It was a lot of work and allowing others in the state to use it was very good. He recalled the Board had talked about using the vehicle sales to shore up the budget too so that would be double dipping.

Mr. López said staff discussed with DOT our State of Good Repair grant. Last year's grant was terminated September 30 and some of the other awards were not spent and asked an extension until December 31. So there were possibly other unspent funds that the District could use.

Also he didn't' think this would require a budget increase because there was a surplus of $384,000 in expenses and the deficit in revenue was just $218,000 so they had the money to cover the additional bus expense. They did free up capital outlay for the fourth quarter to insure the contingency but the budget was there.

Commissioner Anaya cautioned that within categories of the budget they could adjust money but when moving it from one category to another the Board had to approve it. The District needed to adhere to the policies in place and rethink any policy that allowed any move from one category to another. Otherwise

there was no purpose of having a budget with categories. Chair Barrone agreed.

Mr. Mortillaro explained that although they could review the financial policies adopted, but all capital purchases had to come to the Board and if a budget adjustment was needed, he would bring it to the Board. The policies were always per state regulations.

Commissioner Anaya added that it could be a consent item at the Board.

Mr. Shelton commented that sales of vehicles should go back to the vehicle replacement fund. Ms. Aragon agreed.

Mr. Bulthuis asked for a friendly amendment to direct staff to actively pursue with the State the possibility of getting additional funds. Commissioner Anaya and Councilor Ring agreed it was friendly and the motion passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Santa Fé County, Taos County and Tesuque Pueblo voting in favor and none voting against.

F. Recap of Jim West Regional Transit Center Construction Project

Mr. Mortillaro reported on the final outcome of the construction project. It started in 2009 with land acquisition and former building that was here. The funding was summarized on page 44. The construction was awarded to Stoven Construction with a very small margin for change orders of 3%. It had to be rebid several times. During construction the soils issue was an area of great concern. Two budget adjustments were made which increased the budget to a little over $2.1 million. It took time to negotiate some of the change orders and the soils issue delayed the project by 5 months. We found a point where we could agree. Final cost was $2,014,487 including all change orders so they underspent the Board's budget by $140,000. They had an FF&E project budget of $222,766 for outfitting the building and spent $163,000 which was under budget by almost $60,000.

$2.3 million was the grand total of budget and $200,000 was left so they underspent by 8.4%. He listed the 13 change orders most of which had to do with soils conditions. The change orders totaled $753,000 which was about 32% of the approved budget.

Mr. Mortillaro reported that the contractor had been very responsive to the warranty work.

Mr. Shelton asked if the grant reimbursements were received. Mr. Mortillaro agreed.

Commissioner Anaya said, "God bless the spirit of Jim West for this facility. He was a good man."

Mr. Bulthuis asked Mr. Mortillaro to report to the Board any things that were needed as they settled into this building so the Board could make plans to get what was still needed.

Mr. Mortillaro said he would probably have wanted another screen but there was little lacking in the building. If the Board decided to proceed with the maintenance facility it would mean more space in this

building if the RTD ever needs it for operations.

The Board took a brief recess at 11:28.

Councilor Ring moved to reconvene at 11:42. Mr. Vigil seconded the motion and it passed by unanimous voice vote.

DISCUSSION ITEMS

G. Financial Report for January 2012

Ms. Aragon shared the financial summary (page 45). They were seven months into the fiscal year. January was not complete yet. Page 47 reflected a chart of revenues received through January 25 and she read the results from the Financial Highlights). She referred to the county GRT reports and then shared the expenditures by category.

She noted that Councilor Bushee had requested a comparison with prior year and that was reflected on page 52.

They just completed the finance and compliance audit and it was submitted to the State Auditor by December 3 on time and received a release from the State Auditor on January 17. The RTD has an unqualified audit.

H. Finance Subcommittee Report

Mr. Vigil said the Finance Subcommittee did consider several items.

Mr. Mortillaro added that both of their discussion items were in the packet. They probably wouldn't have another Finance meeting until April. The new structure for the Finance Committee was working very well and they were getting about 100% attendance.

Chair Barrone thanked Mr. Vigil for his hard work.

Mr. Vigil thanked staff for all their hard work.

I. Tribal Subcommittee Report

Ms. Valério reported that the Tribal Subcommittee had not met and the next meeting should be in March. Mr. Mortillaro agreed.

Mr. Dwyer recalled that Councilor Bushee wanted to participate in this part of the meeting.

Mr. Mortillaro called her and she joined the meeting at this time.

J. Executive Report for February 2013 and Comments from the Executive Director

Mr. Mortillaro said the first item 1 referred to pages 59-60 in the Board packet and he wouldn't repeat that. He went to page 68 and asked Mr. Kelly to comment.

Mr. Kelly said starting on page 68 were statistics on performance. Ridership tracking showed a slight decline compared to last year but they had some cold weather that affected ridership. They also operated fewer days in November and December.

Next were monthly expenses. Operational cost per Vehicle mile was shown compared to Region 6 and Sandoval/Valencia as benchmarks. There was no change on the spare vehicle ratio. They corrected prior months on average fleet age. Their largest bus was the HD small bus. They had some 350,000 mile buses and were adding 4,500 miles per month. On-time inspections; the federal requirement was 87% on-time inspections and exceeded that at 97%. They only missed one last month. They had to do that manually but once the AVL software was incorporated it would provide ticklers to staff.

Mr. Kelly clarified the definition of major accident and they required drug testing by federal law when a vehicle had to be towed or if death resulted. The complaints for December were five. They had eight customer incidents in December. Those usually happen on the bus. He described the definitions for the category.

Ms. Valério asked what the "non-rider incident" category was about.

Mr. Kelly explained it could be a person in a car in traffic or something going on at a bus stop.

Mr. Mortillaro went to the legislative update. They were authorized to go forward to request legislative change on receiving GRT directly from the Department of Revenue. That was the only change. They discussed it at the Finance meeting last Friday and he and Chair Barrone went to the Santa Fé County Commission on January 29 and Santa Fé City Council on January 30 on HB 30 because there were concerns from both bodies about the bill.

Chair Barrone said about 50% of the GRT income was from Santa Fé County so some modification to that might be appropriate.

Commissioner Anaya said he would have to go to a ground breaking soon and asked to make comments on things yet to come.

Commissioner Anaya said the Commission didn't have a comfort level to support HB 30 in its current form and wondered if Santa Fé County could be removed from that bill. He appreciated having the Chair and Executive Director come to the County Commission meeting. A lot of things have progressed and he had stated that at the Commission meeting. Santa Fé County wanted to continue to build on that relationship and would not want HB 30 to detract from that.

Councilor Bushee's phone connection was lost.

Commissioner Anaya commented that it was good to see another municipality at the table with Edgewood. He also noted that there was only one sector in Santa Fé County not served. It was the road between Golden and Santa Fé. That one road would be a recurring theme at the Commission and here. The redistricting was a struggle but it was good for him the way it turned out.

Mr. Mortillaro said he had been contacted by Representative Egolf's office about a town meeting in Golden/Madrid. At the conclusion it was apparent people wanted transit out there and he discussed with them how to do it. He explained they needed capital funds for a bus and operations money.

Commissioner Anaya said that was part of the Santa Fé County Transportation Plan. They were working with Representative Egolf on that to fund the route within the existing structure and other needed routes and needed to continue to collaborate on it. He thought it was our collective work that would work with the legislature.

Mr. Mortillaro reported that- Representative Lucky Varela had asked about transit from Pecos which unfortunately was out of the North Central District in San Miguel County so it would require an exception or for San Miguel to join as a county.

Commissioner Anaya said the DOT funded a stop for the Park and Ride at San Jose and built a pad and lighting for that stop. Maybe the District could be advocates with it through Park and Ride from Las Vegas. That wouldn't take funds out of RTD.

Commissioner Anaya was excused from the meeting at 12:22 p.m.

Mr. Mortillaro said $90,000 for paving the back lot and $300,000 for more bus acquisitions was being requested from the legislature.

Mr. Mortillaro asked for the Board's opinion on HB 30.

Chair Barrone recalled that was a directive of the Board to the staff. It appeared Santa Fé kind of opposed it.

Mr. Vigil asked if he could share the reason for that.

Chair Barrone said because they take in 50% of the budget, their concern was that the transparency would not be there.

Mr. Dwyer recalled historically when the RTD was formed Santa Fé County had wanted to withdraw from the District. But that revenue cannot be retained by a county. He suspected this was a lingering concern and Mark Basham was a Santa Fé County Probate Judge. Maybe he could shed some light on it. This was really pointless because it made no difference which way it was for them.

Mr. Mortillaro said it was just a process proposal and had no financial harm to any entity. It was transparent because the Department of Revenue prints the reports and it was also online. So it was fully transparent. It was transparent here.

He said he went to the Santa Fé City Council meeting and the public comment period was limited to only two minutes and without dialogue. Councilor Bushee commented her concern that there might be an impact to the allocation given to Santa Fé City every year and she would like an agreement. Those decisions were made every year, using a formula agreed to and now needed to be put into the financial policies. That would give Santa Fé and Los Alamos a better feeling that from year to year it won't change.

He was baffled when he found out there was opposition to it. Representative Trujillo and Senator Cisneros were the sponsors of HB 30. Representative Trujillo was from Santa Fé so it put him in a delicate position.

Councilor Ring said from Edgewood's perspective they were missing not only the opportunity to save some money but also to expedite things. So he didn't understand it either except if it was just a control issue. He was all for it and hoped they could work it out for everyone.

Mr. Mortillaro said he was willing to meet with both entities to see how they could make amendments but not to exempt a county from it. That could be written into the bill about reporting but the money did belong to the District.

Mr. Dwyer asked if it would apply to other parts of the state.

Mr. Mortillaro agreed that it applied to every RTD. Rio Metro supported it and had not received any opposition to it. The only opposition was from Santa Fé County and City of Santa Fé.

Mr. Mortillaro thought a motion would be best.

Mr. Vigil asked how much time they had. He asked if Mr. Mortillaro could bring back his efforts to the next Board meeting.

Mr. Dwyer said there was already an approved action but the legislation was in the hands of the legislators so it would just be giving direction to the sponsors.

Mr. Mortillaro said we needed to give assurance to them that it would be no harm.

Ms. Maez asked if there would be another meeting before the legislative session was over.

Chair Barrone said March 1st was next meeting but that would be too late.

Ms. Maez asked if they should have a special meeting so Mr. Mortillaro was not left out there by himself.

Mr. Mortillaro agreed they didn't have the time but if the Board could authorize him, he would do it.

Mr. Dwyer suggested if the Board had a special meeting with Santa Fé they should invite Los Alamos too. They become alarmed about whether they could count on the RTD as a revenue stream.

Mr. Mortillaro clarified that HB 30 didn't change any of the formula. The RTD was a subdivision of the state according to the statute and serving 235,000 people.

Chair Barrone agreed and most of the Board were elected officials and had to be transparent in everything done.

Mr. Vigil asked if it would be appropriate to ask the county and city to put their concerns in writing for the Board.

Mr. Dwyer commented that there had been no acrimony events here and all votes have been unanimous. He would hate for the Board to return to those times when it wasn't that way.

Mr. Bulthuis said the county's position through those minutes were pretty clear and would shed light on the issue. He could also ask Councilor Bushee to have it discussed at a Council meeting.

Councilor Ring related they had a referendum on waste water and on regional dispatch center. There had been controversy on the regional dispatch center. The water and waste water referendum had add-ons including funding a Santa Fé Farmer's Market. Maybe it was better to let it go for now. It did have an impact. It would be a shame to have controversy and antagonism.

Ms. Maez asked if anyone had presented the cost savings that would happen with this.

Mr. Mortillaro said they hadn't but the savings would be minimal.

Ms. Maez understood there were time savings too. Ms. Aragon agreed.

Mr. Mortillaro was torn about it. He wanted the RTD to be treated fairly but wanted to keep peace in the family. He briefly related past events.

Mr. Dwyer said one thing Josette Lucero did to her credit was to get the tax passed and the regional settlement about how the money was going to be distributed to the parties without losing any members. He said the Board should try to reach out and invite all the Council members and all the Commission members to come to the Region's Board meeting. It might change the dynamics when they saw all the elected officials who were at the table.

Councilor Bushee rejoined the meeting by phone.

Mr. Bulthuis said if it was the role of the Board to set it aside for the moment it didn't mean abandoning it completely.

Councilor Bushee recapped the concerns with the RPA when the tax was on the ballot to make sure

the allocations would continue as promised. The city just needed some assurance that the percentage was set for them. She didn't want to single out Santa Fé County to say they wanted to be separate and different but to honor what they took to the voters.

Mr. Bulthuis concurred and Mr. Dwyer summed up the discussion before she came back on line. But there was opportunity to work with the Board in policy to assure that the revenue stream could be counted on. What he didn't know was that the Council had no formal discussion.

Councilor Bushee felt the new councilors would follow her lead. It was not a matter of mistrust but just that no one could rely on these funds or at least the ratio and wished there were some accommodations. Maybe they should meet and come up with a policy that worked so there were no mixed messages to our delegation. That needed to be in writing to substantiate what was put to the voters in the past.

Councilor Bushee promised to be there more and asked that they start on time and end on time. She excused herself to go back to her other meeting.

Mr. Mortillaro said the resolution was there as approved by the Board. He was the consultant at the time and they spent five months looking at various formulae and decided to adopt the Los Alamos formula. Santa Fé Trails and Atomic Transit were the only two that get funds from the RTD for operating their systems except for the Rail Runner. Not everyone was aware of what took place. The formula was in place and he could bring it next month to plug into the financial policy

Ms. Aragon added that the District paid the money right away.

Mr. Dwyer said the administrative fee assessed by the State would not change.

Ms. Aragon said they were not withholding any of that amount.

Councilor Ring asked if the Board could come to a consensus to go ahead and have conversations but not drop the bill at this point in time. He thought they shouldn't trash everything done so far but draw back if needed.

Ms. Maez agreed that the bill might need a modification that nothing would change prior agreements with the City and County so they could feel satisfied that it wouldn't change.

Mr. Dwyer said what Councilor Bushee wanted Mr. Bulthuis to say was that he was concerned about his budget and the revenue stream from RTD for them. It was a continuing issue that went on for 4-5 years.

Mr. Mortillaro said Nambé Pueblo Council was asking for membership so he would put it on the agenda next month. He was excited about it and they had been in discussion about it for a year.

K. Closed Executive Session

Mr. Vigil moved to go into closed executive session pursuant to NMSA 1978 Section 10-15-1.H

(5) for discussion of strategy preliminary to collective bargaining negotiations. Ms. Valério seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Taos County and Tesuque Pueblo voting in favor and none voting against. Santa Fé County was not present for the vote.

The Board went into closed executive session at 1:05 p.m. The executive session ended at 1:49 p.m.

L. Reconvene in Open Session

Mr. Vigil moved to return to open session. Mr. Bulthuis seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Taos County and Tesuque Pueblo voting in favor and none voting against. Santa Fé County was not present for the vote.

Mr. Dwyer announced after reconvening in open session that during the closed executive session no actions were taken, the only discussion was on the subjects published in the agenda and requesting the Board to take action directing the Executive to take action consistent with the instructions given during the closed session.

Mr. Vigil moved to direct the Executive Director to take action consistent with the instructions given during the closed session. Councilor Ring seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Taos County and Tesuque Pueblo voting in favor and none voting against. Santa Fé County was not present for the vote.

MATTERS FROM THE CHAIR

Chair Barrone asked permission to attend the National Transportation Conference March 10-13 and for the Board to approve covering his airfare and lodging.

Mr. Vigil moved to approve the Chairman's request to attend the National Transportation Conference, March 10-13, 2013 and to cover his airfare and lodging expenses. Councilor Ring seconded the motion and it passed by unanimous roll call vote with City of Edgewood, Los Alamos County, Pueblo of Pojoaque, Santa Clara Pueblo, City of Santa Fé, Taos County and Tesuque Pueblo voting in favor and none voting against. Santa Fé County was not present for the vote.

MATTERS FROM THE BOARD

There were no matters from the Board.

MISCELLANEOUS

There were no miscellaneous items to consider.

ADJOURN

Mr. Vigil moved to adjourn the meeting. Councilor Ring seconded the motion and it passed by unanimous voice vote.

The meeting was adjourned at 1:52 p.m.

Approved by:

Daniel R. Barrone, Chair

Attest:

Geoffrey Rodgers, Secretary

Submitted by:

Carl Boaz, Stenographer